

CONSUMER PROTECTION COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Consumer Protection Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Wednesday, **August 17, 2005**.

MEMBERS PRESENT:

Legislator Cameron Alden • Chairman

Legislator Jay Schneiderman • Vice•Chair

Legislator Lynne Nowick

Legislator William Lindsay

MEMBER NOT PRESENT:

Legislator Jon Cooper

ALSO PRESENT:

Ma Knapp • Counsel to the Legislature

Warren Greene • Aide to Legislator Alden

Charles Gardner • Director of Consumer Affairs

Alexandra Sullivan • Chief Deputy Clerk of the Legislature

Joe Muncey • Budget Review Office

Kevin Rooney • Oil Heat Institute

MINUTES TAKEN BY:

Lucia Braaten • Court Stenographer

MINUTES TRANSCRIBED BY:

Donna Catalano • Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 1:13 P.M.*)

CHAIRMAN ALDEN:

Good afternoon, and welcome to the Consumer Protection Committee Meeting. We'll have a Pledge led by Legislator Lindsay.

SALUTATION

CHAIRMAN ALDEN:

Also, I traditionally ask for just one moment of silence in recognition of those that are actually serving and those that have paid the supreme price for our freedom.

MOMENT OF SILENCE

CHAIRMAN ALDEN:

Thank you. Okay. We don't have any cards. Did anyone want to address us on any issues? Might as well •• Charlie, you might as well address us then. If you didn't want to volunteer, we'll just volunteer you. Gasoline looks nightmarish. When do we start monitoring home heating oil in the stockpiles? That's only in, like, September area that they switch over?

DIRECTOR GARDNER:

Yes. Traditionally after Labor Day.

CHAIRMAN ALDEN:

Okay. Because the same thing we're seeing with gasoline is going to happen with the home heating oil, right?

DIRECTOR GARDNER:

We're already seeing companies that are offering fixed prices for the coming season approaching \$2.80 a gallon.

CHAIRMAN ALDEN:

Ben, I don't know if •• I guess it is appropriate right now. Maybe we should start thinking about •• because we're going to go into the budget cycle, we're going to have a lot of people •• you know, they're on that line, like, the poverty line now, and they're not going to be able to pay their home heating bills. This is going to be a crisis situation. I know we've got the HEAP Program and a couple of other ones where we can help some folks out, but this is going to create a real crisis. Maybe if we start thinking about it now, put our heads together, there's something we can put something in place, you know, an emergency loan or emergency, you know, fuel, for some people that normally and traditionally wouldn't be eligible for the programs that we do offer in Suffolk County.

MR. ZWIRN:

Yeah, absolutely. The first time •• as a consumer, this is the first time I've heard these numbers. Whoa, that's unbelievable.

LEG. NOWICK:

That's scary.

CHAIRMAN ALDEN:

Imagine the people that are, you know, like, they're on the borderline anyway where they're just able to pay, you know, their existence right now, they're getting killed on the transportation.

MR. ZWIRN:

There's no question there'll be a crisis situation in the Northeast, not just Long Island, but all through the Northeast if we have any kind of a cold winter. If our winter mirrors our summer in reverse, it would be •• I mean, I commute a long way, you know, everyday, and I'm very sensitive to gasoline prices. And I've seen my bills, you know, go up hundreds of dollars a month just in the last few months. I'm always looking for the cheapest gas. But fuel oil, there's a lot less options, especially out on the East End. Those numbers are flabbergasting, those numbers.

CHAIRMAN ALDEN:

It's something •• while it's getting late in the day anyway, but I think we still have a little bit of

time to think about, you know, we might want to put some money aside in Suffolk County to make a new program available to people, because I'm sure that if those numbers prevail, and they will, and they'll actually creep up even more than what we're projecting now, we're going to have a major crisis. And we really don't want to have people freezing to death or choosing to eat •• whether they eat or whether they heat their house. We might end up with a children situation and things like that, so that's something we should start thinking about now.

MR. ZWIRN:

I'll certainly bring it back to the County Exec. I know that they're talking about reducing •• you know, in the budget, we talked about the fuel energy surtax, about perhaps eliminating that. Your legislation has proposed that, and the County Executive had legislation to do the same thing. And I think wisely everyone starts talking about it during the budget process. This will all play into that. I think the County is clearly •• I'm not going to, you know, speak for the County Exec, his budget will be out in a month, but that's certainly one of the options they're looking at, to try to give some relief. But those prices, those numbers are just extraordinary.

CHAIRMAN ALDEN:

We have to look maybe towards the HEAP Program, because that's going to become oversubscribed very quickly and maybe us supplementing it, because that's mainly federal money, isn't it?

DIRECTOR GARDNER:

Mainly federal, yes.

CHAIRMAN ALDEN:

And maybe supplementing a little bit heavier on our part and anticipating rather than being in the middle of a crisis and be scrambling around to try to find funds or oil for people.

MR. ZWIRN:

You have to hope the oil companies can survive themselves, the distributors out here, because they have to go out and buy oil in advance. And often they have to go out and get loans in order to do that so that they're assured of their supply. So their costs go up because they're borrowing money and the interest rates are going up. So it's compounded. You know, maybe time to have •• I'm certainly not going to tell you how to run the ship. Maybe Kevin Rooney

can come back and, you know, maybe have projections again before your committee, because the only thing I've heard •• and it's only been on the news, they say not only is the price going to go up, it's going to be a supply issue. It's not even a question of what you're paying, it's going to be a question of whether you're going to have an uninterrupted supply of energy.

DIRECTOR GARDNER:

The one scary thing that we heard about supply just the other day is that there's at least one company that has been contacting some of its customers and requesting money up front so that •• so that the company would then be able to put aside X number of gallons for that customer. We haven't heard that one before.

CHAIRMAN ALDEN:

So it's almost like a futures contract that they're selling, otherwise they're not going to supply them with any oil.

DIRECTOR GARDNER:

I just heard that yesterday.

LEG. LINDSAY:

Is that legal?

DIRECTOR GARDNER:

I mean, there's no County Law that I know of. I mean, it's an offer that a company would be making, you know, to set aside. I don't know of anything illegal about it, no.

CHAIRMAN ALDEN:

Yeah. It's good, we'll kick it around now and just, you know, because we're going to get hit. We're going to get hit with all kinds of problems, even some that •• you know, we can foresee some of them, but even something like this.

DIRECTOR GARDNER:

Yeah. And I mean, it was not •• it was less than five years ago that we were looking at 14 and \$15 a barrel. It went up. It's traditionally been in the mid twenties to high thirties. Now you're looking at 66. Figure it out. I mean, that's a huge of a jump.

CHAIRMAN ALDEN:

The big •• and hopefully Rooney can come in and give us a little bit more, you know, in•depth analysis, but there's less than, I think, a million barrels of surplus oil being pumped a day. That's really where the squeeze is, supply and demand. Plus, on any of these processing plants, I don't think there's any new ones that came on line since the '70s.

DIRECTOR GARDNER:

It's one thing to have a concern about supplies when oil is \$30 a barrel and, thereby, increasing the price. But when you have concerns about supplies and oil •• without the •• absent the concern about supplies, you're talking 60, 65, \$66 a barrel, you can imagine what that's going to do to the market place.

CHAIRMAN ALDEN:

We're going to have a scene like: "The Day After," the movie where everyone's walking down south because the whole top froze, the whole top of the United States.

MR. ZWIRN:

Well, you have China now, which is one of the, you know, emerging nations, using oil •• it used to be an oil exporting country, now they're importing.

DIRECTOR GARDNER:

If not the, one of the largest importers, one of the largest consumers of oil.

MR. ZWIRN:

And we're competing with them now for energy.

DIRECTOR GARDNER:

That's correct.

MR. ZWIRN:

Canada too.

CHAIRMAN ALDEN:

All right. We'll keep everybody up front. We'll do some voting and then we really should

discuss that a little bit more. We've got tabled resolutions.

TABLED RESOLUTIONS

1750, a Local Law No •• 2005, to eliminate duplicative and unnecessary regulation of process servers (COUNTY EXEC). I'll make a motion to table, seconded by Legislator Nowick. All those in favor? Opposed? That's **TABLED (VOTE:4•0•0•1; Not present: Legis. Cooper).**

1776. A Local Law No •• 2005, a Local Law to regulate the display and sale of pesticides in Suffolk County (SCHNEIDERMAN). All right. Let me skip over 1766.

INTRODUCTORY RESOLUTION

1835, adopting Local Law No •• 2005, a Local Law to amend Resolution No. 396•2005 (COUNTY EXEC). This has to be tabled for a public hearing, so I'll make a motion to table for public hearing, seconded by Legislator Lindsay. All those in favor? Opposed. 1835 is **tabled for a public hearing. (VOTE:4•0•0•1; Not present: Legis. Cooper).**

Maybe we'll just do it. **1776, a Local Law No •• 2005, a Local Law to regulate the display and sale of pesticides in Suffolk County (SCHNEIDERMAN).** Motion by Legislator Nowick to approve, seconded by myself. All those in favor?

LEG. LINDSAY:

On the issue.

CHAIRMAN ALDEN:

Opposed? Legislator Lindsay.

LEG. LINDSAY:

Charlie, are you going to regulate this bill if it passes?

DIRECTOR GARDNER:

The original bill that was filed, yes. But there has been another piece of legislation. It's not on the agenda yet, but that would switch it to the Health Department and use Cornell and the

website.

MR. ZWIRN:

The County Executive put in a bill that was less intrusive, and we thought would pass muster as far as the preemption issue. It's not this bill, but we •• which is a bill that the County Exec supports, and I think Legislator Schneiderman is on as a cosponsor on that one.

LEG. LINDSAY:

I ask Counsel, who's the regulatory agency for this one?

DIRECTOR GARDNER:

For this one, it's Consumer Affairs.

LEG. LINDSAY:

Do you know Pete _LaDue_?

DIRECTOR GARDNER:

No, sir.

CHAIRMAN ALDEN:

And just to pick up a little bit more on what Legislator •• where Legislator Lindsay was going, there's a •• this bill's been modified, everyone saw the new amendments on it? Legislator Schneiderman, do you wish to speak to the modifications or do you want Legislative Counsel?

LEG. SCHNEIDERMAN:

If I could, and then Legislative Counsel if she needs to add to that. The bill's been greatly modified. It's actually •• the entire provision for the waiver or the acknowledgment, the signing at the bottom of the sheet acknowledging the safe handling and the precautions and dangers of pesticides, that has been taken out of this bill. This bill now only asks the Director of the Office of Consumer Affairs to make sure that the stores are in compliance with the federal requirements. There's a federal law that requires that pesticides be stored according to their safe labeling recommendations or requirements that are contained on the actual bottle or container that the chemical is stored within. So a lot of the chemicals are toxic. It can say that this product should or must be stored in a locked cabinet away from the reach of •• or out of

the reach of children. All it says is basically to make sure that the stores are in compliance with what already is the law. And the waiver requirement, or the sign off requirement, that is •• that's contained in a new bill that's being filed.

CHAIRMAN ALDEN:

Anything else from Legislative Counsel? That's pretty much it, right?

MS. KNAPP:

This amendment was drafted, basically, to mirror the requirements on box cutters and spray paint. So to the extent that those are being enforced in the stores, these would, you know, be enforced very similarly.

CHAIRMAN ALDEN:

I'll go with Legislator Lindsay and then I've got some comments some from Ben.

LEG. LINDSAY:

Yeah. I just •• I just don't know what we're doing on this committee anymore. I mean, this •• Consumer Affairs is probably one of our most efficient and hardest working departments in County government, and he's operating out of a building that's a shoe box over there, with not enough personnel. And we have two resolutions before us today, one, at the request of the County Executive and the Consumer Affairs Director to remove the regulations on process servers, which the Director tells us doesn't work, and we've tried it for a couple of years, we tabled that, which would greatly lighten his load. And now we're about to pass out of committee a bill that, at best, is feel•good legislation. He admits he doesn't have enough people to enforce it, but that's the direction we seem to want to go.

LEG. SCHNEIDERMAN:

I think the Director was commenting on the version of the bill •• an earlier version, not necessarily the bill that's before him in terms of being able to enforce it. And it's not feel•good, it's consumer protection. Children can right now go into any store and touch these chemicals, potentially open up these chemicals and be exposed. This is not feel•good legislation. Before Lynne goes, I'd like to see the vote on it.

CHAIRMAN ALDEN:

Ben, you have a comment?

MR. ZWIRN:

The original comment I have is because the original bills that Legislator Schneiderman has put forth were to try to regulate the use of the pesticides on the ground so that they wouldn't poison the groundwater. Now we seem to be getting away, trying to make sure children don't touch them in the stores before •• before they get to the ground.

LEG. SCHNEIDERMAN:

The other bill is still active too. I'd love to see it passed. This is in addition.

MR. ZWIRN:

We're just trying to do it •• we are in favor of trying to, you know, keep people safe, whether it's how it's applied or whether it's in the stores.

LEG. SCHNEIDERMAN:

Good.

MR. ZWIRN:

But I think that the County Executive's bill tries to do it •• you have a lot of mom and pop stores out there. And I know •• I live in Legislator Schneiderman's district, if you're at Village Hardware in East Hampton on a weekend in the summer, I mean, it's Looney Tunes in there. So to try to get somebody to unlock a cabinet for one extra thing, it's going to be very difficult for some of them, maybe not the Home Depots or the big store chains, but for local hardware stores and local nurseries that handle this stuff, I think to put anymore that's not required under the federal guidelines, I think we're going to just push people out of the county.

LEG. SCHNEIDERMAN:

Village Hardware in particular is telling me they support this legislation and the type of work I'm trying to do on pesticides.

MR. ZWIRN:

Well, God bless them, because I tell you, I shop there. I can't •• I can't get through the store.

LEG. SCHNEIDERMAN:

There's plenty of things in locked cabinets. If we could have a vote on it.

LEG. NOWICK:

I make a motion.

CHAIRMAN ALDEN:

We have a motion and a second.

LEG. SCHNEIDERMAN:

I'll second.

CHAIRMAN ALDEN:

All those in favor? Opposed?

LEG. LINDSAY:

Opposed.

CHAIRMAN ALDEN:

Legislator Lindsay is opposed. It's so carried. So that's 1776 is **APPROVED** out of committee.
(VOTE:3•1•0•1; opposed; Legis. Lindsay • Not present; Legis. Cooper).

That ends the •• that ends the resolution portion of our program today. But I think we really have to concentrate on some of the comments we were making earlier, as far as the price of oil is going to kill people. We're going to have •• it's going to be in a very short period of time, we're going to have a crisis situation in Suffolk County. So, Ben, if we can all work together and get something, like, flushed out, maybe to increase the money that's available in the HEAP Program, or something along those lines, even if we have to put more staff in there •• anticipate that there's more staff or somebody's going to be needed in that department. I'd like to work on that.

MR. ZWIRN:

We'll need sales tax revenue to do some of these things. So without 1761 getting passed, we may be doing a lot less with a lot less.

CHAIRMAN ALDEN:

All right. Good point. All right. Anybody want to address the committee? Lynne, did you have anything?

MS. BIZZARO:

No, I don't.

LEG. ALDEN:

Okay. Thanks a lot. We stand adjourned.

LEG. SCHNEIDERMAN:

Just record me with the majority on the votes the other two votes.

**(*THE MEETING WAS ADJOURNED AT 12:30 P.M. IMMEDIATELY AFTER RETURNING
FROM EXECUTIVE SESSION)**

_ _ **DENOTES BEING SPEILED PHONETICALLY**